PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number Q92515	

	Application Number 10/574,420	Filed July 11, 2008
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	First Named Inventor Shin HASEGAWA	
	Art Unit 2431	Examiner Trang T DOAN

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23373

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Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons(s) stated on the attached sheet(s).
     Note: No more than five (5) pages may be provided.

☑ I am an attorney or agent of record.
    Registration number   48,294

/Allison M. Tulino/
_____
Signature

Allison M. Tulino
_____
Typed or printed name

(202) 293-7060
_____
Telephone number

April 28, 2010
_____
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of   Docket No: Q92515

Shin HASEGAWA

Appln. No.: 10/574,420   Group Art Unit: 2431

Confirmation No.: 7555   Examiner: Trang T DOAN

Filed: July 11, 2008

For: PERIPHERAL DEVICE FOR PROGRAMMABLE LOGIC CONTROLLER

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the

Examiner's Final Office Action dated December 28, 2009, Applicant files this Pre-Appeal Brief

Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

I.   Rejections under 35 U.S.C. § 103(a) in view of U.S. Patent No. 7,624,281 to Mehta et

al. ("Mehta") and U.S. Publication No. 2005/0102527 to Tatebayashi et al. ("Tatebayashi")

The Examiner has rejected claims 1-4 under 35 U.S.C. § 103(a) as allegedly being

unpatentable over Mehta in view of Tatebayashi.

A.   **Claim 1**

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites a peripheral device comprising, "an inputting means for inputting peripheral device authentication data being the same as the authentication data stored in a storage means of the programmable logic controller," and "a verification means for determining whether or not use of the programmable logic controller peripheral device is authorized, by checking peripheral device authentication data read out from the external storage means and decrypted, against peripheral device authentication data read out from the internal storage means and decrypted."

In Mehta, an identification input device 52 is provided to input a user's biometric information for authentication purposes (col. 38-58). As shown in Figure 2A of Mehta, the input device 52 can be formed as part of the personal computer, or, as shown in Figure 3A, the input device 52 can be formed remote from the personal computer. Thus, it is assumed that the input device 52 is alleged to disclose the claimed inputting means. Since claim 1 recites that the peripheral device comprises the inputting means, the input device 52 of Mehta would therefore also disclose the claimed peripheral device.

Further to the above, Mehta discloses that authentication of the biometric information input via the input device 52 is performed in the authentication module/processor 54. The authentication module/processor 54 is communicatively coupled to the input device 52 (See Fig. 3A; col. 6, lines 43-64). The authentication module/processor 54 includes a storage device 56 that has a database of biometric information associated with authenticated users (col. 6, line 65 to col. 7, line 1). Thus, the authentication module/processor 54 appears to disclose a type of

verification means as recited in claim 1. As shown in Figure 3A of Mehta and disclosed therein, however, the authentication module/processor 54 is separate or remote from both the input device 52 and the KVM drawer 28 as opposed to being part of the input device 52. On page 4 of the Final Office Action, the Examiner cites to column 8, lines 43-48 regarding the implementation of certain features as a single component or as multiple components. However, the cited portion of Mehta is merely directed toward having the authentication module/processor 54, the emulation controller 60, the input-output buffer 64, the operational amplifier buffer 68 and the storage device 56 composed of one single component or multiple components. There is no teaching or suggestion with regard to combining the input device 52 with the authentication module/processor 54. Accordingly, Applicant submits that Mehta fails to disclose a peripheral device having both an inputting means and a verification means as claimed.

In the attachment to the March 29, 2010 Advisory Action, the Examiner again maintains that Mehta does disclose a peripheral device having both an inputting means and a verification means. Specifically, the Examiner maintains that the KVM drawer 28 requires users to authenticate themselves by inputting biometric information. However, as set forth above, the authentication module/processor 54 (i.e., the verification means) is provided remote from the KVM drawer 28 (see Fig. 3A) and is thus not part of the computer containing the input device 52 that is inside the KVM drawer 28 (see Fig. 2A).

In the attachment to the Advisory Action, the Examiner also refers to the coupling between the input device 52 and the authentication module/processor 54 as shown in Figure 3A of Mehta. Similar to the comments set forth above, however, such communicative coupling fails

to disclose that the computer containing the input device 52, that is provided inside the KVM

drawer 28, has the authentication module/processor 54. Rather, the authentication

module/processor 54 is located remote therefrom (See Fig. 3A).

Applicant further submits that Tatebayashi fails to cure the deficient teachings of Mehta

For example, while Tatebayashi discloses encryption/decryption of data, the authentication

"verification" is performed in the memory card 200 which is separate from the memory card

writer 300 (where the memory card writer was previously alleged to disclose peripheral device)

(see paras. [0084], [0114] and [0118], [0128]).

In the attachment to the Advisory Action, the Examiner responds to the above arguments

by maintaining that encryption/decryption and the authentication verification of data is

performed within the memory card writer 300 of Tatebayashi. Applicant traverses this assertion

with regard to the verification of data. It is the memory card 200 itself that performs the

verification and outputs an instruction signal. In addition to the paragraphs cited above,

Applicant cites to paragraphs [0129], [0142] and [0143] that specifically discloses that when the

memory card writer 300 or the memory card reader 400 is an unauthorized device, the control

unit 280, which is part of the memory card 200, outputs the termination signal to terminate

communication with the memory card writer 300 or the memory card reader 400. Thus, the

actual "verification" of the encrypted/decrypted data is performed in the memory card 200 and

instruction signals are output thereafter. Accordingly, Tatebayashi likewise fails to teach or

suggest a peripheral device having an inputting means (no input means disclosed) *and*

verification means (i.e., the card 200 is not part of the writer 300).

At least based on the foregoing, Applicant submits that claim 1 is patentable over the cited reference.

B.   Claim 3

Since claim 3 recites features that are analogous to the features recited in claim 1, Applicant submits that claim 3 is patentable for at least analogous reasons as presented above for claim 1.

C.   Claims 2 and 4

Applicant submits that claims 2 and 4 are patentable at least by virtue of their dependency.

Respectfully submitted,

/Allison M. Tulino/

SUGHRUE MION, PLLC   Allison M. Tulino
Telephone: (202) 293-7060   Registration No. 48,294
Facsimile: (202) 293-7860

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